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In re Application of :
Dabney, et al. :
Application No. 10/658,572 :
Filed: September 9, 2003 :
Attorney Docket No. R0367-01901 :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the renewed petition filed September 13, 2004, titled "Request for Reconsideration of Decision on Petition Mailed March 24, 2004."

On September 9, 2003, the above-identified application was filed. On December 4, 2003, the Office of Initial Patent Examination mailed a "Notice of Omitted Items of Nonprovisional Application" (the "Notice"), stating, in part, that the application had been accorded a filing date of September 9, 2003, however, Figures 13 and 14 as described in the specification appeared to have been omitted. The Notice allowed a non-extendable two-month period for reply beginning from the mailing date of the Notice.

In response, on September 13, 2004, applicants filed the instant renewed petition and a copy of an Office date-stamped postcard showing that, among other items, thirty-six sheets of drawings were received on September 9, 2003.

Upon review of the record, Figures 13 and 14 have not been located among the application papers. However, the evidence is convincing that the application papers deposited September 9, 2003, included Figures 13 and 14 which were subsequently misplaced by the Office. Therefore, the application, including Figures 13 and 14, was complete on filing and entitled to the presently accorded filing date of September 9, 2003.

Accordingly, the petition is granted; the Notice is vacated, accordingly.

The application file is being directed to the Office of Patent Publications for further processing with the presently accorded filing date of September 9, 2003, with the thirty-six sheets of drawings filed on that date.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3222.

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Petitions Attorney
Office of Petitions